

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher § 87(2)(b)	Team: Team # 2	CCRB Case #: 200805678	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 04/04/2008 7:15 PM	Location of Incident: Hull Street and Rockaway Avenue	Precinct: 73	18 Mo. SOL 10/4/2009	EO SOL 10/4/2009	
Date/Time CV Reported Fri, 04/04/2008 7:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/21/2008 1:57 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Kaz Daughtry	28690	940052	073 PCT
2. LT John Rafferty	00000	918191	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Dominic Mallamaci	00644	940410	073 PCT
2. POM Thomas Hardell	24109	936730	073 PCT
3. LT James Stevenson	00000	892099	073 PCT
4. SGT Randal Mercier	02820	911329	073 PCT
5. POM Vincent Tiernan	21213	935846	073 PCT
6. POF Monika Grejniec	22324	936703	073 PCT
7. POM Martin Gimenez	22916	933804	073 PCT
8. POM Francisco Pina	26670	934066	073 PCT
9. POM Efrain Flores	16534	933781	073 PCT
10. POM Erick Flores	12470	943243	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT John Rafferty	Abuse: At the corner of § 87(2)(b) in Brooklyn, Lieutenant John Rafferty stopped § 87(2)(b) and an individual.	§ 87(2)(b)
B.POM Kaz Daughtry	Abuse: At the corner of § 87(2)(b) in Brooklyn, Officer Kaz Daughtry stopped § 87(2)(b) and an individual.	§ 87(2)(b)
C.LT John Rafferty	Abuse: At the corner of § 87(2)(b) in Brooklyn, Lieutenant John Rafferty frisked § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
D.POM Kaz Daughtry	Abuse: At the corner of § 87(2)(b) in Brooklyn, Officer Kaz Daughtry frisked § 87(2)(b) and an individual.	
E.LT John Rafferty	Abuse: At the corner of § 87(2)(b) in Brooklyn, Lieutenant John Rafferty searched § 87(2)(b)	
F.POM Kaz Daughtry	Abuse: At the corner of § 87(2)(b) in Brooklyn, Officer Kaz Daughtry searched § 87(2)(b) and an individual.	
G.LT John Rafferty	Abuse: At the corner of § 87(2)(b) in Brooklyn, Lieutenant John Rafferty strip-searched § 87(2)(b)	
H.POM Kaz Daughtry	Abuse: At the corner of § 87(2)(b) in Brooklyn, Officer Kaz Daughtry strip-searched § 87(2)(b) and an individual.	
I.LT John Rafferty	Force: At the corner of § 87(2)(b) in Brooklyn, Lieutenant John Rafferty used physical force against § 87(2)(b)	
J.POM Kaz Daughtry	Force: At the corner of § 87(2)(b) in Brooklyn, Officer Kaz Daughtry used physical force against § 87(2)(b)	
K.POM Kaz Daughtry	Abuse: At the 73rd Precinct stationhouse, Officer Kaz Daughtry strip-searched § 87(2)(b)	
L.POM Kaz Daughtry	Force: At the 73rd Precinct stationhouse, Officer Kaz Daughtry used physical force against § 87(2)(b)	

Synopsis

§ 87(2)(b) filed this complaint with IAB on April 4, 2008, and it was referred to the CCRB on April 21, 2008. On April 4, 2008, at about 7:15 PM, § 87(2)(b) and an unknown individual were stopped at the corner of Hull Street and Rockaway Avenue in Brooklyn by Officer Kaz Daughtry and Lieutenant John Rafferty (allegations A and B). Officer Daughtry and Lieutenant Rafferty frisked, searched, and put their hands in the pants of § 87(2)(b) and the unknown individual (allegations C, D, E, F, G, and H). After the searches, Lieutenant Rafferty and Officer Daughtry struck § 87(2)(b) numerous times, forced him to the ground, and struck and kicked him about thirty times. § 87(2)(b) was handcuffed and transported to the 73rd Precinct stationhouse (allegations I and J). At the stationhouse, Officer Daughtry conducted a strip search of § 87(2)(b) and struck him a few times (allegations K and L). § 87(2)(b)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) a § 87(2)(b) and § 87(2)(b) eyes who is § 87(2)(b) made statements in filing the complaint with IAB on April 4, 2008 (encl. 6a-c), in speaking with medical personnel on April 4, 2008 (encl. 32a-gg), in a notice of claim filed April 8, 2009 (encl. 5a-b), in two interviews with IAB (encl. 7a-i) on April 15, 2008, and in his CCRB interview on April 30, 2008 (encl. 9a-f). These statements were somewhat consistent with one another and are condensed below, with the variations noted.

On April 4, 2008, at about 7:00 PM, in the vicinity of Hull Street and Rockaway Avenue in Brooklyn, § 87(2)(b) was with his friend § 87(2)(b) whose last name he did not know, but who he termed a very good friend. § 87(2)(b) was wearing black sweatpants, a black sweatshirt, black and white sneakers, and a vest. § 87(2)(b) had \$300 of United States Currency in his right front pants pocket, his Welfare Benefits Card in his front left pants pocket, and his apartment keys in his right front sweatshirt pocket. He did not have any other items on him. Later in the interview, § 87(2)(b) noted that he wasn't going to lie and that he had a nip of liquor in his right front sweatshirt pocket. § 87(2)(b) was very drunk at the time, but § 87(2)(b) was sober. § 87(2)(b) lives near the corner of Hull Street and Rockaway Avenue, though § 87(2)(b) did not know his address. § 87(2)(b) told § 87(2)(b) that § 87(2)(b) a friend of theirs, and § 87(2)(b) whose name § 87(2)(b) did not know but who is another friend, had stolen money from him. § 87(2)(b) accompanied § 87(2)(b) across the street from § 87(2)(b)'s apartment where they confronted § 87(2)(b) and § 87(2)(b). § 87(2)(b) was "staggering" due to being intoxicated. § 87(2)(b) said that he was on Rockaway Avenue four houses away from a Chinese restaurant, but he was not sure of the direction. § 87(2)(b) questioned § 87(2)(b) and § 87(2)(b) about taking § 87(2)(b)'s money. They in turn questioned § 87(2)(b) about helping § 87(2)(b) but there was no physical interaction between them, though they were all yelling at each other. No money or other objects of any kind were exchanged. § 87(2)(b) told § 87(2)(b) to forget the money, grabbed § 87(2)(b)'s

arm, and aided him in walking back with him into § 87(2)(b)'s apartment. At that time, there were a few people who had been congregated outside throughout the entire incident, including Dave, whose last name he did not know.

§ 87(2)(b) walked § 87(2)(b) back inside his apartment so that he could rest. § 87(2)(b) walked about a block away on Hull Street to Mother Gaston Boulevard, where he went to a bodega and bought two oranges for his son, but no other items. He had the oranges in a black plastic bag.

§ 87(2)(b) returned to § 87(2)(b)'s apartment and spoke with him about the money, which was really bothering § 87(2)(b). So § 87(2)(b) proposed that they confront § 87(2)(b) and § 87(2)(b) again outside.

§ 87(2)(b) returned to § 87(2)(b) and § 87(2)(b) and a few seconds later Officer Daughtry, whose name § 87(2)(b) provided, and an officer, identified through investigation as Lieutenant Rafferty, and approached them. § 87(2)(b) described Lieutenant Rafferty as a 6'3" tall, 215-220 pound, 31 year old white male with black hair and dressed in plain clothes. § 87(2)(b) described Officer Daughtry as a 6'1" tall, 25-27 year old, black male of medium build. Lieutenant Rafferty said, "None of y'all's aint got no weed." The officers did not ask about anything else, but said that § 87(2)(b) called the police on § 87(2)(b) and § 87(2)(b). Fifteen to twenty minutes after § 87(2)(b) first approached § 87(2)(b) and § 87(2)(b) Officer Daughtry frisked and searched first § 87(2)(b) and then § 87(2)(b). § 87(2)(b) was wearing sweatpants and sneakers, but he did not know what shirt, and he did not remember what § 87(2)(b) was wearing. § 87(2)(b) was too drunk to stand, so he sat nearby and § 87(2)(b) did not see Lieutenant Rafferty or Officer Daughtry interact with § 87(2)(b). Officer Daughtry frisked § 87(2)(b) and § 87(2)(b) chest, legs, and arms. Officer Daughtry put his whole right hand in their pants pockets and within their pants in both the front and the back of their pants; Officer Daughtry did not have § 87(2)(b) and § 87(2)(b) turn around when he put his hand in the back of their pants. § 87(2)(b) was standing in front of the gate to a piece of property facing the street a few feet away from them as he watched Officer Daughtry interact with § 87(2)(b) and § 87(2)(b) who were both facing the street and Officer Daughtry during the search. § 87(2)(b) commented of Officer Daughtry, "That cop be checking everything too much, thoroughly, super, too much, too hard." In his second IAB interview, § 87(2)(b) said that § 87(2)(b), § 87(2)(b) and § 87(2)(b) were standing off to the side, but did not interact with the officers.

As Officer Daughtry interacted with § 87(2)(b) and § 87(2)(b) Lieutenant Rafferty frisked § 87(2)(b)'s chest, legs, and arms. § 87(2)(b) reached into his pocket to provide identification to Lieutenant Rafferty. Lieutenant Rafferty said, "Don't move." § 87(2)(b) replied, "Don't worry, I don't got nothing." Lieutenant Rafferty took his identification and said, "Your name is § 87(2)(b)." § 87(2)(b) said yes and Lieutenant Rafferty told him that he has a court case with him. § 87(2)(b) noted for the investigation that he and few family members had been arrested for possessing "a little clip of weed." He denied ever having it, stating that his cousin had it.) § 87(2)(b) told Lieutenant Rafferty that he planned to fight the case. Lieutenant Rafferty put his hands in each of § 87(2)(b)'s pants pockets and sweatshirt pockets, and he also put his whole right hand within § 87(2)(b)'s pants and boxers making contact with his skin on his buttocks, specifically near his private parts in front of and in back of his pants. Lieutenant Rafferty also gripped § 87(2)(b)'s pants in the front middle section and shook them. In his IAB interviews, § 87(2)(b) did not allege that any officer extended a hand into his pants. Lieutenant Rafferty removed the nip of alcohol from § 87(2)(b)'s sweatshirt pocket and placed it on the ground, stating, "You gonna get drunk tonight?" Lieutenant Rafferty did not remove any other items and asked § 87(2)(b) if he had any narcotics on him, which § 87(2)(b) denied. § 87(2)(b) said that if he had had anything in his pants, it would have fallen to the ground. § 87(2)(b)'s arms were at his side during the search. § 87(2)(b) cooperated with the search, stating that he had nothing to hide, but repeatedly asked Lieutenant Rafferty if he could go home, as he did not have anything. He estimated that Lieutenant Rafferty searched him for ten to fifteen minutes.

Lieutenant Rafferty finished frisking and searching § 87(2)(b) before Officer Daughtry finished frisking and searching § 87(2)(b) and § 87(2)(b). Lieutenant Rafferty then had § 87(2)(b) raise his arms above his shoulders with his hands pointing in the air and Lieutenant Rafferty kept his hands positioned on § 87(2)(b)'s underarms to ensure that § 87(2)(b) kept his arms raised while he was in front of § 87(2)(b). Officer Daughtry was on the sides of and searched § 87(2)(b) as he kept his arms raised and he told the officers, "You checked me like a § 87(2)(b) times and I aint got nothing. Can I go home now?" § 87(2)(b) noted for the investigation that Lieutenant Rafferty smelled of alcohol. Officer Daughtry also put his hands in each of § 87(2)(b)'s pockets and his whole hand within his pants and boxers making contact with his skin. Lieutenant Rafferty told § 87(2)(b)

§ 87(2)(b) to remove his sneakers and § 87(2)(b) told them that he didn't have any items in his sneakers, but did not remove them.

As Officer Daughtry was searching § 87(2)(b) stated, "It felt like I was pulling away from them. It might have felt like I moved in the wrong way, like I was trying to get away, but I wasn't. It felt like I was trying to move, but I wasn't." He noted that the officers had already searched him many times and knew that he didn't have anything, and § 87(2)(b) felt "uncomfortable" with his arms in the air. § 87(2)(b) demonstrated that he didn't pull his arms down or otherwise move his body, but did shift his torso from side to side as he was being searched. He did not strike the officers. As he "pulled away from them," Officer Daughtry said, "Oh, you're pulling away" and then punched § 87(2)(b) in his right eye with his bare left clenched fist. Officer Daughtry then punched § 87(2)(b) with his bare right clenched fist in his right eye. Officer Daughtry punched § 87(2)(b) two more times in the face before § 87(2)(b) fell to the ground. In his two IAB interviews, § 87(2)(b) alleged that Officer Daughtry struck him at this point once and four times, respectively. Lieutenant Rafferty wrapped his arms around § 87(2)(b)'s waist while he was in front of § 87(2)(b) and threw him to the ground such that § 87(2)(b) hit the ground face first. Once § 87(2)(b) was on the ground, he felt punches and stated that both Lieutenant Rafferty and Officer Daughtry punched him. § 87(2)(b) screamed, "Help, help me." A few seconds later, he was handcuffed. In his first IAB interview, § 87(2)(b) alleged that Officer Daughtry kicked him in his right eye while he was on the ground. He did not allege being kicked in his second IAB interview or CCRB interview. Additional officers arrived and § 87(2)(b) was later told by § 87(2)(b) and § 87(2)(b) that some of the additional officers struck him. He did not see any of the officers who specifically hit him. § 87(2)(b) said that he did move on the ground, but then said that he didn't, stating that he was pinned to the ground. § 87(2)(b) estimated that he was struck fifty times. In speaking with medical personnel on April 4, 2008, § 87(2)(b) said nightsticks were used against him, but he did not repeat this in any other statements. He was struck on his side, back, neck, and legs. § 87(2)(b) estimated that he was struck in the face ten to fifteen times and was kicked ten times. § 87(2)(b) denied resisting arrest in any way during the incident, such as striking or kicking any of the officers, stating that he does not disrespect officers.

Officer Daughtry told § 87(2)(b) that he sold someone marijuana. § 87(2)(b) denied that he was in possession of marijuana at any point during the incident, such as picking up marijuana and selling it to anyone on the street. § 87(2)(b) said that § 87(2)(b) or § 87(2)(b) might have had marijuana, but he did not know.

About five minutes after the officers took § 87(2)(b) to the ground, § 87(2)(b) was taken to the stationhouse by unidentified officers. His feet were shackled. § 87(2)(b) and § 87(2)(b) were permitted to leave the scene without being transported to the stationhouse. Officer Daughtry and Lieutenant Rafferty took § 87(2)(b) into a cell in the back of the stationhouse that was not in view of anyone else and had a toilet and sink in it. They § 87(2)(b) § 87(2)(b) to remove his pants, boxers, and shirt, which he did. The officers did not recover any items. In his CCRB interview but not in any of his other statements, § 87(2)(b) alleged that Officer Daughtry struck § 87(2)(b) a few times in his torso in a back cell in the stationhouse during the strip search; § 87(2)(b) denied that he resisted in any manner. A half an hour after arriving at the stationhouse, § 87(2)(b) was later taken to § 87(2)(b) Hospital by officers and then went to § 87(2)(b) Hospital on the Tuesday after he was released. § 87(2)(b) had marks on his wrist and he said that the nerves in his neck hurt. He sustained a § 87(2)(b) right orbital lobe, a § 87(2)(b) nose, and he was bleeding in his mouth. § 87(2)(b) Venita Murray took the photos § 87(2)(b) provided on that same Tuesday, which, along with his arrest photo, show that § 87(2)(b) sustained prominent contusions around his right eye and the right side of his nose (encl. 10a-h).

§ 87(2)(b) has had a few "altercations" with Lieutenant Rafferty and Officer Daughtry in the past, and knew Officer Daughtry's name from prior interactions. Numerous times throughout the interview, § 87(2)(b) said that he is not lying and does not have "anything against no cops." § 87(2)(b) noted that he has been "in trouble in the past," but said that he is "new" now, as he is getting married and has kids.

§ 87(2)(b) did not have any contact information for any of his friends. He said that § 87(2)(b) does not want to participate, but § 87(2)(b) and § 87(2)(b) might. Inv. § 87(2)(b) provided § 87(2)(b) with business cards to give to them. § 87(2)(b) "smokes crack."

The notice of claim filed by § 87(2)(b) states that he was falsely arrested and excessive force was used against him.

§ 87(2)(b) emitted an odor of alcohol during his interview.

Results of Investigation

Civilian Statements

§ 87(2)(b) who knows § 87(2)(b) from the neighborhood and sometimes buys DVDs from him, was interviewed by Detective Dennis and Sergeant O'Toole of IAB Group 54 interviewed on April 15, 2008 (encl. 11a).

On April 4, 2008, at about 7:00 PM, § 87(2)(b) was alone outside of her residence near Hull Street and Rockaway Avenue. The incident involving § 87(2)(b) near the side of a Chinese restaurant on Hull Street, about four to five car lengths from Rockaway Avenue. § 87(2)(b) was not sure what § 87(2)(b) had been doing prior to being stopped. § 87(2)(b) was walking from a store and was across the street from § 87(2)(b) when she saw Officer Daughtry and Lieutenant Rafferty "searching" § 87(2)(b) did not know what was said amongst them, as she was too far away. Other civilians were standing nearby, "just talking." As the officers were searching § 87(2)(b) "it looked like he § 87(2)(b) was getting ready to walk off or maybe was trying to run." At this point, the officers got § 87(2)(b) to the ground by grabbing him on his sweatshirt and forcing him to the ground. At first one officer grabbed § 87(2)(b) and then the other came and assisted in putting him to the ground. Before § 87(2)(b) was put to the ground, § 87(2)(b) did not see any other force used against him. § 87(2)(b) was face down on the ground. Lieutenant Rafferty, who § 87(2)(b) described as the lighter skinned officer, punched § 87(2)(b) on the right side of his face about two times with a closed fist. Officer Daughtry forced his knee into § 87(2)(b)'s face about four times, causing the left side of § 87(2)(b)'s face to hit the ground. § 87(2)(b) was "not really" trying to get up and his hands were restrained by Lieutenant Rafferty. When questioned about what § 87(2)(b) was doing on the ground, § 87(2)(b) said that he was not resisting in any manner. § 87(2)(b) yelled that he wasn't doing anything. § 87(2)(b) thought the force was unnecessary. § 87(2)(b) did not remember which officer handcuffed § 87(2)(b) was about one car length from § 87(2)(b) and saw that he was bleeding from his mouth. When questioned, § 87(2)(b) said she was not sure if the injuries were from being punched or having his face pushed against the ground. § 87(2)(b) knows § 87(2)(b) from the neighborhood and sometimes buys DVDs from him. The officers took § 87(2)(b) away and § 87(2)(b) stayed until he was put in the police vehicle. § 87(2)(b) was shown two photo arrays, one containing Officer Mallamici and the other containing Officer Daughtry. She could not identify any officer involved.

§ 87(2)(b) provided the following statement in a telephone conversation with Inv. § 87(2)(b) on July 21, 2008. § 87(2)(b) called in regards to a please call letter she saw posted near the location (encl. 12a).

On April 4, 2008, § 87(2)(b) saw § 87(2)(b) whose name she did not know, crossing Rockaway Avenue on Hull Street. From the direction in which § 87(2)(b) was walking, it seemed as though he was walking towards a restaurant at the corner. § 87(2)(b) said that at first two officers, identified as Officer Daughtry and Lieutenant Rafferty, approached § 87(2)(b) could not describe them besides stating that they were male officers and in uniform. § 87(2)(b) was sitting on the stoop of 159 Hull Street. The officers asked § 87(2)(b) to stop and he stopped. § 87(2)(b) walked towards the officers and they then had a conversation. § 87(2)(b) could not hear all of it. Officer Daughtry and Lieutenant Rafferty tried to push § 87(2)(b) against a nearby vehicle, but § 87(2)(b) kept his hands up in the air and did not move against the vehicle. The officers put their hands in § 87(2)(b)'s pockets, but did not remove any items. § 87(2)(b) did not see the officers search anywhere besides § 87(2)(b)'s pants pockets. § 87(2)(b) did not see the officers approach or stop anyone else. § 87(2)(b) said that § 87(2)(b) may have been walking with someone else outside earlier, but she did not see anyone with § 87(2)(b) when the officers stopped him.

Very soon after they approached § 87(2)(b) a police vehicle arrived on scene. § 87(2)(b) estimated that around ten officers were around § 87(2)(b). The officers forced § 87(2)(b) to the ground. § 87(2)(b) saw officers push the back of § 87(2)(b)'s head to the ground,

“doing him dirty.” Once § 87(2)(b) was on the ground, § 87(2)(b) became disgusted and did not watch all of it. § 87(2)(b) estimated that from the time the officers approached § 87(2)(b) to the time he was handcuffed was about seven to ten minutes. People began to gather and yell at the officers that § 87(2)(b) was not doing anything wrong. § 87(2)(b) did not see § 87(2)(b) swing punches at any officers and said that he did not resist arrest at all during the incident.

Civilians Not Interviewed

§ 87(2)(b) provided her name and contact information in calling 911 during the incident. Inv. § 87(2)(b) called § 87(2)(b) on July 8 and 9, 2008 and December 9, 2008, and left messages for her to return the call. Inv. § 87(2)(b) sent § 87(2)(b) please call letters on July 8, 2008 and December 9 and 15, 2008. § 87(2)(b) did not respond to the contact attempts. § 87(2)(b) did not respond to the contact attempts.

Inv. § 87(2)(b) called § 87(2)(b) to obtain additional information about witnesses and the victims on May 20, 21, 22, and 27, 2008. Inv. § 87(2)(b) sent § 87(2)(b) please call letters on May 20 and 30, 2008. § 87(2)(b) did not respond to the contact attempts.

Field Work

On May 27, 2008, at about 2:30 PM, Inv. Vredenburg and Inv. Coury performed field work related to the case in the vicinity of the intersection of Rockaway Avenue and Hull Street in Brooklyn (encl. 37c).

Inv. Vredenburg and Inv. Coury spoke with § 87(2)(b) who was sitting on the steps in front of 153 Hull Street. § 87(2)(b) indicated that she had heard of the incident and knew § 87(2)(b) but she did not see it or know anyone who had. Inv. Vredenburg provided her with business cards to give to anyone who saw it. She was not familiar with Philip Jeffries. As Inv. Vredenburg spoke with § 87(2)(b) a black individual named § 87(2)(b) whose last name could not be obtained, exited the basement apartment at 153 Hull Street and told Inv. Vredenburg to leave and that no one had seen the incident. § 87(2)(b) told § 87(2)(b) to leave and § 87(2)(b) repeatedly yelled at Inv. Vredenburg and Inv. Coury to leave and that no one wants to talk about the incident. Inv. Vredenburg knocked on the doors of the brownstone apartment buildings next to a Chinese restaurant located at the intersection in front of which the incident occurred. No one answered the knocks at the four closest brownstones (128s-132 Hull Street), but § 87(2)(b) answered at § 87(2)(b) and said that he was not aware of the incident, as he does not hang out much outside on the block. Inv. Vredenburg and Inv. Coury approached Michael Copening, who was washing his vehicle near 132 Hull Street, and he said that he was aware of the incident as well, but had not seen it and was not sure of who else was involved. § 87(2)(b) was not familiar with § 87(2)(b). Inv. Vredenburg provided him with business cards to give to anyone who may have seen the incident. He lives in 157 Hull Street and works for the city, and suggested that he may not have been home at the time of the incident. Inv. Vredenburg and Inv. Coury approached § 87(2)(b), who was hanging out on the sidewalk near the intersection of Hull Street and Rockaway Avenue with about four to five other young black males, all of whom were aware of the incident in which “T got beat up” by officers. None of them had seen the incident or knew anyone who had, but Inv. Vredenburg provided them with 5-6 business cards that they said they would give to anyone who saw the incident. Inv. Vredenburg and Inv. Coury taped please call letters to the windows of the Chinese restaurant and spoke with two more young black males in the Chinese restaurant, who did not want to provide their names and said that they were not familiar with the incident. The employees in the Chinese restaurant did not speak English.

On April 15, 2008, Detective Mark Dennis and Sergeant O’Toole of IAB Group 54 conducted a canvas at Hull Street and Rockaway Avenue (encl. 37d-e). The officers spoke with § 87(2)(b) at the F & E Mini-Mart. § 87(2)(b) did not witness the incident, but said § 87(2)(b) did. Detective Dennis and Sergeant O’Toole interviewed § 87(2)(b). The officers spoke with § 87(2)(b) at the Good Taste Chinese Restaurant. § 87(2)(b) saw police vehicles arrive, but did not see officers interacting with anyone. The officers spoke with § 87(2)(b) at 132 Hull Street. § 87(2)(b) heard commotion, but had no specific information about what was said by the officers or civilians. § 87(2)(b) also of 132 Hull Street, were not in the area at the time of occurrence. The

officers also spoke with § 87(2)(b), all of whom live in the vicinity of the incident, but none of them witnessed the incident.

Identification of Officers Interviewed

The following officers were identified from arrest documents and the 73rd Precinct roll call.

Officer Statements

Lieutenant John Rafferty from the 73rd Precinct was interviewed at the CCRB on August 1, 2008 (encl. 19a-c). Lieutenant Rafferty is a § 87(2)(b). On April 4, 2008, Lieutenant Rafferty worked from 4:00 PM to 12:45 AM in a blue unmarked patrol car, #8457, as the Street Narcotics Enforcement Unit supervisor. Lieutenant Rafferty was in plain clothes while his partner, Officer Daughtry, was in uniform. Lieutenant Rafferty stated in his memo book (encl. 18a-c) that at 7:15 PM, he had one under at the intersection of Hull Street and Rockaway Avenue. Officer Hardell was not at the location of the incident. Lieutenant Rafferty further noted at 7:00 PM that he and Officer Daughtry went on foot patrol. At 7:15 PM, Lieutenant Rafferty noted one arrest at the corner of Hull Street and Rockaway Avenue. Lieutenant Rafferty wrote that at the time and place of occurrence Terrance § 87(2)(b) was observed exchanging a quantity of marijuana for United States Currency. Upon attempt to place the defendant under arrest, the defendant did strike Lieutenant Rafferty numerous times causing numerous abrasions to his facial area and hurting his shoulder and lower back. The perpetrator was removed to the 73rd Precinct station house. After a call for assistance, EMS was called to the station house for injuries to § 87(2)(b). Lieutenant Rafferty was removed to § 87(2)(b) with Officer Hardell in police vehicle #8457.

On April 4, 2008, at approximately 7:15 PM, Lieutenant Rafferty and Officer Daughtry were on foot patrol and heading towards the intersection of Hull Street and Rockaway Avenue in Brooklyn. Lieutenant Rafferty stated that the block is a chronic drug location and known to the precinct as a very problematic area. Prior to being with Officer Daughtry, Lieutenant Rafferty was with Officer Hardell. The commanding officer had called one of the officers from Lieutenant Rafferty's unit to do a precinct assignment for him. Thus, Lieutenant Rafferty and Officer Daughtry walked on patrol while Officer Hardell went in the vehicle to perform the designated assignment. Lieutenant Rafferty was the supervisor during the patrol. Within minutes of being out of the vehicle and walking around through parked cars, Lieutenant Rafferty and Officer Daughtry observed two individuals to their right exchanging zip lock bags of marijuana. The officers were about 15 feet away from the individuals and walking towards them while they made the observation. Lieutenant Rafferty and Officer Daughtry quickly agreed about how to approach the individuals so that they could get both of them. Lieutenant Rafferty approached § 87(2)(b) while Officer Daughtry approached the buyer. Lieutenant Rafferty stated that § 87(2)(b) "flipped" as soon as he realized the officers were coming for him. Lieutenant Rafferty stated that they had not observed § 87(2)(b) prior to this incident and this was not part of any operation. They had just gotten out of the vehicle and were on foot patrol heading towards the direction they had seen the exchange. Lieutenant Rafferty did not recognize the individuals, but after the fact he was made aware that an officer in his unit had arrested § 87(2)(b) in the past. At the time of contact, § 87(2)(b) was adjacent to only one individual and they were the only two who were stopped and frisked.

In order to get § 87(2)(b) under control, there was a chase by Officer Daughtry, a lot of punches exchanged, and a call for assistance. Lieutenant Rafferty stated that he asked Officer Daughtry to stay with him because both guys were trying to get away and if the officers had to make a choice, they would rather arrest the dealer than the buyer. § 87(2)(b) was the seller and the other defendant was the buyer. In order to get § 87(2)(b) to cooperate, Lieutenant Rafferty repeatedly instructed him to place his hands behind his back. § 87(2)(b) asked what was the matter was and Lieutenant Rafferty told him again to just place his hands behind his back. Lieutenant Rafferty had his hands on § 87(2)(b)'s belt at this time. § 87(2)(b) held his hands steady in clenched fists. § 87(2)(b) took the first punch after clenching his fist to his sides when he was asked to place his hands behind his back. § 87(2)(b) punched Lieutenant Rafferty in his face, pushed him and tried to run away. Lieutenant Rafferty held on to § 87(2)(b)'s belt and never lost him. There was an exchange of

punches between him and § 87(2)(b). While Lieutenant Rafferty was holding onto him, § 87(2)(b) kept swinging with two hands and Lieutenant Rafferty swung with one hand, trying to also hold onto him. They moved about 20ft from where the initial altercation § 87(2)(b). At times during the struggle, Lt. Rafferty let go of § 87(2)(b)'s belt and held on to his shirt, as it was an ongoing struggle. Lieutenant Rafferty stated that he was finally able to pick § 87(2)(b)'s legs up and pull him to the ground. § 87(2)(b)'s behind went down to the ground first. Once he was down, Lieutenant Rafferty was able to get on top of him. Officer Daughtry assisted Lieutenant Rafferty in handcuffing § 87(2)(b). While § 87(2)(b) was on the ground, Lieutenant Rafferty struck § 87(2)(b) more times around his body while he was on the ground because § 87(2)(b) was still punching and struggling. It took about 30 seconds to a minute to handcuff § 87(2)(b) after they got him on the ground. Officer Daughtry also struck § 87(2)(b) a number of times, but Lieutenant Rafferty did not remember at what point exactly. Lieutenant Rafferty was able to call for back up while he was on top of § 87(2)(b). None of the responding officers used physical force against § 87(2)(b). Lieutenant James Stevenson was one of the responding officers, but Lieutenant Rafferty did not recall the other responding officers. Lieutenant Rafferty was able to handcuff § 87(2)(b) one hand at a time.

Once § 87(2)(b) was handcuffed, Lieutenant Rafferty and Officer Daughtry searched § 87(2)(b) and he was placed into the back of the police vehicle and taken to the stationhouse. The contraband had already been recovered at the scene so the officers only had to make sure that there were no weapons around. The other individual left during the struggle with § 87(2)(b).

Lieutenant Rafferty suffered some injuries to his face and Officer Daughtry took photos of the injuries he sustained. Lieutenant Rafferty did not remember specifically what injuries § 87(2)(b) suffered, but he knew that EMS was called to attend to him.

When they returned to the stationhouse, the officers obtained § 87(2)(b)'s pedigree information and did a thorough search to make sure that § 87(2)(b) did not have any contraband on him. § 87(2)(b) was not strip searched because they already found the contraband on him at the scene. Lieutenant Rafferty stated that he would have authorized a strip search if he deemed it necessary, but it was not necessary at the time. § 87(2)(b) was complaining of injuries and so an ambulance was called for him. Lieutenant Rafferty stated that § 87(2)(b) behaved "like a gentleman" at the stationhouse, and there were no problems in the stationhouse, so far as he recalled. Lieutenant Rafferty was not aware of any physical altercation between § 87(2)(b) and himself or any other officers at the stationhouse. Since Lieutenant Rafferty and Officer Hardell both went to the hospital, Officer Daughtry processed the arrest of § 87(2)(b).

Lieutenant Rafferty provided nineteen photos of himself that were taken at the 73rd Precinct stationhouse following § 87(2)(b)'s arrest on April 4, 2008 (encl. 20a-t). The photos indicate that Lieutenant Rafferty had abrasions to his right arm and hand, forehead, and the right side of his chin.

Officer Kaz Daughtry from the 73rd Precinct was interviewed at the CCRB on August 22, 2008 (encl. 26a-c). Officer Daughtry is a § 87(2)(b) who is § 87(2)(b). On April 4, 2008, Officer Daughtry worked from 4:00 PM to 12:35 AM with Lieutenant Rafferty and Officer Hardell in an unmarked blue Impala, #8457. Lieutenant Rafferty was operating the vehicle and Officer Daughtry was in the rear seat. In his memo book (encl. 21a-e, Officer Daughtry noted at 7:10 PM that he observed two male blacks standing on the corner of Hull Street and Rockaway Avenue. He observed one male black exchange a quantity of marijuana for a quantity of USC. Lieutenant Rafferty and Officer Daughtry observed the transaction through two parked cars. Officer Daughtry and Lieutenant Rafferty emerged from behind the parked cars and walked across the street to effect a lawful arrest. Officer Daughtry approached the buyer while Lieutenant Rafferty approached the dealer. Officer Daughtry began to search the unapprehended other and § 87(2)(b) one zip lock bag of alleged marijuana from the unapprehended other's left front jacket pocket. As Officer Daughtry pulled out his handcuffs from his gun belt to place the defendant under arrest, he looked over to his left and observed § 87(2)(b) strike Lieutenant Rafferty on the left side of his face. Officer Daughtry ran over to assist Lieutenant Rafferty using the minimum amount of force necessary to place him under arrest. Lieutenant Rafferty called for one car to assist. Lieutenant Rafferty and Officer Daughtry were having some trouble placing § 87(2)(b) under arrest. § 87(2)(b) did resist arrest by punching and kicking the police officers repeatedly, causing injuries to Lieutenant Rafferty's face, arms, and hands. At 7:15 PM, Officer Daughtry received the disposition, one arrest, from central. Officer Daughtry's statement was

mostly consistent with that of Lieutenant Rafferty, with the variations and points of significance noted below.

Officer Daughtry completed the arrest report and property voucher (encl. 25a-d and 22a-b) for § 87(2)(b) which indicate that he was observed exchanging a quantity of marijuana for cash with in an unapprehended other. Upon placing § 87(2)(b) under arrest, he punched and kicked the officers repeatedly, causing injuries to an officer. A search incident to arrest revealed § 87(2)(b) was in possession of a quantity of marijuana and \$173 in cash. Three zip lock bags and the cash were § 87(2)(b). Officer Daughtry also completed an Aided report (encl. 23a-e) concerning Lieutenant Rafferty that specifies Lieutenant Rafferty sustained injuries to his face, hands, and shoulder. Officer Daughtry completed the Medical Treatment of Prisoner form (encl. 24a), which states that § 87(2)(b) sustained facial abrasions, a fractured nasal bone, and swelling to his right eye.

On April 4, 2008, at about 7:00 PM, Officer Daughtry positioned himself behind a parked car and observed a drug transaction across the street. Nothing was obstructing their view and it was not dark at the time. Officer Daughtry noticed someone with money in his hand and since he has made numerous drug-related arrests in the area, he and Lieutenant Rafferty decided to watch the individual. The individual gave § 87(2)(b) money and § 87(2)(b) gave the individual marijuana; Officer Daughtry could discern that it was marijuana being exchanged from where he was positioned. The buyer squished the bag together, smelled it, said something, and put it in his pocket. Officer Daughtry did not recognize either individual. Officer Daughtry and Lieutenant Rafferty both decided to stop § 87(2)(b) and the buyer.

Officer Daughtry approached the buyer while Lieutenant Rafferty approached the seller, later identified as § 87(2)(b). Lieutenant Rafferty was about 5-6 houses away to Officer Daughtry's left. Officer Daughtry told the buyer "You're under arrest" and § 87(2)(b) a bag of marijuana from the buyer's left front jacket pocket during a search. Officer Daughtry did not put his hands in the unapprehended buyer's pants or see any officer put his hands in § 87(2)(b)'s pants. The buyer told Officer Daughtry, "Give me a break, it's only weed." He was not sure how long he was with the buyer and did not have the opportunity to handcuff him.

Officer Daughtry heard Lieutenant Rafferty, in a scuffle, say, "§ 87(2)(b) come over here." Officer Daughtry then focused his attention on Lieutenant Rafferty and ran to assist him. As he was running towards them, Officer Daughtry saw § 87(2)(b) punch Lieutenant Rafferty a couple of times in the face; Officer Daughtry further stated that § 87(2)(b) punched Lieutenant Rafferty repeatedly. Officer Daughtry commenced his involvement by striking § 87(2)(b) in one of his ribs. § 87(2)(b) did not go down easily and Officer Daughtry did not remember how exactly they took him to the ground, or how § 87(2)(b) was positioned on the ground. Officer Daughtry was trying to hold § 87(2)(b)'s hands down to keep him from swinging punches. § 87(2)(b) continued to struggle. § 87(2)(b) punched Officer Daughtry in his chest at least a couple of times.

During the scuffle, one individual pulled a knife on Officer Daughtry, but he was far enough away from the officers that he did not pose a threat. When responding units arrived, Officer Daughtry lost sight of the individual and was not aware of him interacting with other officers. Officer Daughtry did not see anyone else interact with § 87(2)(b) during the incident, and wasn't aware of him entering any stores. Officer Daughtry did not see § 87(2)(b) with his arms raised in the air at any point during

EMS was called at 7:20 PM to go to the stationhouse for § 87(2)(b). Officer Daughtry did not think that § 87(2)(b) went to the hospital, but was not sure. § 87(2)(b) was not strip searched. No other physical force was used against him, such as at the stationhouse.

Lieutenant James Stevenson from the 73rd Precinct was interviewed at the CCRB on July 8, 2008 (encl. 15a-b). Lieutenant Stevenson is a § 87(2)(b). On April 4, 2008, Lieutenant Stevenson worked from 5:30 PM to 2:15 AM as the 73rd Precinct Special Operations supervisor. Lieutenant Stevenson does not keep a memo book. He said that he supervises several units and was driving alone, which is fairly typical. Lieutenant Stevenson was in uniform and driving an unmarked vehicle.

On April 4, 2008, Lieutenant Stevenson heard a call for assistance at Rockaway Avenue and Hull Street; he was not sure which officer called for assistance, but later learned it was Officer Daughtry. The radio transmission sounded like Officer Daughtry was in a struggle because he sounded excited and as if he was at a loss of breathe. Lieutenant Stevenson was at the stationhouse at the time and responded alone in his vehicle. Lieutenant Stevenson estimated that he arrived in a minute or so. When he arrived, Lieutenant

Stevenson saw several units, consisting of both marked and unmarked police vehicles; he estimated that more than ten officers were on scene. § 87(2)(b) was in handcuffs and being placed into a police vehicle to be removed to the stationhouse. § 87(2)(b) was being “belligerent,” meaning that he was being loud and boisterous. Lieutenant Stevenson did not see any physical force used against § 87(2)(b). Lieutenant Stevenson could not recall what § 87(2)(b)’s injuries consisted of.

Lieutenant Rafferty was on scene and was the officer who verified the arrest. Lieutenant Stevenson saw cuts, abrasions, and bruises to Lieutenant Rafferty’s face around his forehead and asked him if he was alright. Lieutenant Stevenson did not see § 87(2)(b) at the stationhouse. Lieutenant Stevenson did not see injuries to other officers on scene. Civilians were out on the street yelling and screaming, but Lieutenant Stevenson did not remember seeing any civilians physically interact with the officers. He was not aware of whether any of § 87(2)(b)’s friends were on scene. Lieutenant Stevenson was not aware of whether anyone else involved in the drug activity was on scene and interacted with the officers.

He was not aware of whether § 87(2)(b) was strip searched at the stationhouse. Lieutenant Stevenson said that the desk officer or an officer of a higher rank would decide whether § 87(2)(b) was strip searched. Lieutenant Stevenson did not recall whether there was a problem with § 87(2)(b) at the stationhouse, but he returned to the stationhouse following the incident. Lieutenant Stevenson specified that he would have returned to an office in the rear of the building and would most likely not be aware of any physical altercations occurring near the holding cells.

Officer Thomas Hardell from the 73rd Precinct was interviewed at the CCRB on July 9, 2008 (encl. 17a-b). Officer Hardell is a § 87(2)(b). On April 4, 2008, Officer Hardell recalled working his steady tour, from 9:30 AM to 6:05 PM with Officer Daughtry and Lieutenant Rafferty. They were not working with anyone else and were doing Conditions. He was not sure if he was in uniform or plain clothes. They were using an unmarked vehicle. Officer Hardell did not bring his memo book to the interview because he was not notified for the date of incident, and the investigation determined it was not needed.

On April 4, 2008, Officer Hardell dropped Officer Daughtry and Lieutenant Rafferty off near Rockaway Avenue and Hull Street or Boyland Street. Officer Daughtry and Lieutenant Rafferty were going to patrol the area. Officer Hardell described that area as drug prone; he has been involved in many drug arrests on Hull Street. Officer Hardell was not aware of any specific information they had that day to conduct a narcotics investigation. Officer Hardell went to get food for the Inspector outside the confines of the 73rd Precinct; Officer Hardell was not exactly sure where he went to get food, however. About ten minutes after dropping the officers off, Officer Hardell heard Officer Daughtry and Lieutenant Rafferty call for assistance. Officer Hardell stated that they were yelling into the radio for assistance numerous times. He turned around to respond to the location, but by the time he was in the vicinity of the location they called for “no further” units to respond, which indicated to him that they no longer needed assistance. Officer Hardell did not respond to the incident location.

Officer Hardell went back to the stationhouse. He saw Officer Daughtry and Lieutenant Rafferty about twenty minutes to a half hour later. They had arrested one individual for resisting arrest. Lieutenant Rafferty saw abrasions on Lieutenant Rafferty’s face. Officer Hardell did not see the perpetrator and did not see any injuries to Officer Daughtry. Officer Hardell did not come into any contact with § 87(2)(b) at the stationhouse. Officer Hardell could not remember if he returned to patrol.

Officer Hardell was not familiar with § 87(2)(b) but stated it’s possible that he has arrested him before. Officer Hardell denied that he completed the arrest reports for the arrest (which name him as having entered the information), stating that the computer was logged into his name, but he did not enter the information.

Officer Dominic Mallamici from the 73rd Precinct was interviewed at the CCRB on June 25, 2008 (encl. 14a-b). Officer Mallamici is § 87(2)(b). On April 4, 2008, Officer Mallamici worked from 7:00 AM to 3:40 PM doing arrest processing regarding an arrest he had the night before for § 87(2)(b). He was in uniform and not working with anyone or using a vehicle. He did not have any memo book entries concerning the incident (encl. 13a-b).

Officer Mallamici arrested § 87(2)(b) the corner of Rockaway Avenue and Sutter Avenue at 8:56 PM on April 3, 2008. The next morning he needed to speak with the Assistant District Attorney

regarding the case. Officer Mallamici did not leave the stationhouse on April 4, 2008, as he was doing arrest processing. Officer Mallamici is not familiar with § 87(2)(b). Officer Mallamici was not working at 7:15 PM. He did not recognize § 87(2)(b) when shown a photo. Officer Mallamici did not see any physical force used against § 87(2)(b).

Officer Vincent Tiernan from the 73rd Precinct was interviewed at the CCRB on December 16, 2008 (encl. 30a-b). Officer Tiernan is § 87(2)(b). On April 4, 2008, Officer Tiernan worked from 3:35 PM to 11:35 PM in sectors E, H, and I with Officer Grajniak. Officer Tiernan did not have any memo book entries concerning the incident, but marked a job unfounded at 7:01 PM and another job as unfounded at 7:25 PM (encl. 29a-b).

Officer Tiernan did not have any recollection of the incident and was not familiar with § 87(2)(b). At the time of the incident, Officer Tiernan had taken on three to four radio runs and was not sure where he was at the time of the incident. He was not sure which jobs he had marked unfounded.

Communications Documents

SPRINT report #§ 87(2)(b) (encl. 31a-b), which concerns the incident, indicates that Lieutenant Rafferty requested assistance at 7:03 PM at Hull Street and Rockaway Avenue. A 73rd Precinct sergeant and sector E responded at 7:04 PM and the sergeant asked that no further units respond a minute later. A 73rd Precinct lieutenant responded at 7:06 PM and reported that one arrest had been made at the location. At 8:22 PM, Lieutenant Rafferty reported that he was responding to § 87(2)(b) regarding injuries he sustained during the arrest.

SPRINT report #§ 87(2)(b) (encl. 31c), which also concerns the incident, indicates that § 87(2)(b) called, stating that someone was wielding a knife at the location. She then said that officers were at the location.

Medical Records

The § 87(2)(b) Hospital medical records (encl. 32a-gg) indicate that § 87(2)(b) sustained swelling to his right eye and a fractured nasal bone. CAT scans were conducted that indicated § 87(2)(b) did not sustain a fracture to his right orbital lobe. The swelling was sensitive to touch and § 87(2)(b) reported blurred vision. § 87(2)(b) attributed the swelling to being “punched,” “stomped,” and having nightsticks used against him by officers. § 87(2)(b) felt nauseous and was vomiting. § 87(2)(b) was prescribed Motrin for the pain, Afrin nasal spray, and a Cyclogyl eye drop. He was also prescribed Augmentin, an antibiotic, for ten days.

Police Documents

The 73rd Precinct Command Log for April 4, 2008 (encl. 33a) indicates that § 87(2)(b) was at the front desk at 7:20 PM regarding charges of criminal sale of marijuana and resisting arrest. The arrest was verified by Lieutenant Rafferty and the entry indicates § 87(2)(b) sustained injuries to his face. § 87(2)(b) went to the hospital at 8:10 PM.

The 73rd Precinct Tour 3 Roll Call for April 4, 2008 (encl. 34a-i) indicates that Lieutenant Rafferty, Lieutenant Stevenson, Officer Daughtry, and Officer Hardell were assigned to do Special Operations.

Subject Officer CCRB History

Lieutenant Rafferty has been with the NYPD for twelve years and has not been the subject of a substantiated CCRB allegation (encl. 2c-e). Officer Daughtry has been with the NYPD for two years and has been the subject of two substantiated CCRB allegations (encl. 2a-b). In CCRB case #200710793, Officer Daughtry was the subject officer of substantiated gun pointed and threat of force allegations. The NYPD disposition was not available in CTS.

Complainant CCRB History

§ 87(2)(b) has not filed any other complaints with the CCRB (encl. 3a).

§ 87(2)(c), § 87(2)(b)

Notice of Claim

§ 87(2)(b) filed a notice of claim, which is discussed above (encl. 5a-b). The notice of claim requests as much money as is needed to treat § 87(2)(b)'s injuries and cover loss of earnings due to the incident.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) alleged two officers stopped him as well as other civilians. Officer Daughtry and Lieutenant Rafferty acknowledged that they were the officers who stopped § 87(2)(b) and an unknown individual. Therefore, allegations A and B have been pled against Lieutenant Rafferty and Officer Daughtry, respectively.

§ 87(2)(b) alleged that the white male officer involved in the stop, identified as Lieutenant Rafferty, frisked, searched, and extended his hands into the pants of § 87(2)(b). Thus, allegations C, E, and G have been pled against Lieutenant Rafferty. § 87(2)(b) alleged that the black male officer involved in the stop, identified as Officer Daughtry, frisked, searched, and extended his hands into the pants of § 87(2)(b), § 87(2)(b), and § 87(2)(b). Thus, allegations D, F, and H have been pled against Officer Daughtry.

§ 87(2)(b) alleged that both officers involved in the stop used physical force against him. Therefore, allegations I and J have been pled against Officer Daughtry and Lieutenant Rafferty.

§ 87(2)(b) alleged Officer Daughtry strip searched him at the 73rd Precinct stationhouse and used physical force against him. Therefore, allegations K and L have been pled against Officer Daughtry.

Disputed and Undisputed Facts

It is disputed whether § 87(2)(b) sold a bag of marijuana prior to the stop and how many people he was interacting with when the stop occurred. Also in dispute is whether Officer Daughtry stopped and searched two individuals as opposed to one. Concerning the search and frisk of § 87(2)(b), it is disputed whether Officer Daughtry frisked and search him in addition to Lieutenant Rafferty, and it is also disputed that the officers put their hands within § 87(2)(b)'s pants. The officers stated § 87(2)(b) attempted to abscond and strike the officers, but § 87(2)(b) denied as much.

It is not disputed that Lieutenant Rafferty stopped § 87(2)(b) and conducted a frisk and search. Also, it is not disputed that the Lieutenant Rafferty and Officer Daughtry struck § 87(2)(b).

§ 87(2)(g)

[illegible]

§ 87(2)(g)

Allegation A: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Lieutenant John Rafferty stopped § 87(2)(b) and § 87(2)(b)

Allegation B: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Officer Kaz Daughtry stopped § 87(2)(b) and § 87(2)(b)

Allegation C: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Lieutenant John Rafferty frisked § 87(2)(b)

Allegation D: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Officer Kaz Daughtry frisked § 87(2)(b) and § 87(2)(b)

Allegation E: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Lieutenant John Rafferty searched § 87(2)(b)

Allegation F: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Officer Kaz Daughtry searched § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that Lieutenant Rafferty and Officer Daughtry stopped him and two other individuals. Officer Daughtry and Lieutenant Rafferty acknowledged stopping § 87(2)(b) and an unknown individual. § 87(2)(g)

§ 87(2)(b). NYPD Patrol Guide Procedure 212-11 (encl. 1d-f) and the NYPD Street Encounters: Legal Issues guide (encl. 1a) state that when officers witness someone commit a crime, they may forcibly stop them as well as conduct a frisk and search. Since § 87(2)(g)

Allegation G: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Lieutenant John Rafferty strip-searched § 87(2)(b)

Allegation H: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Officer Kaz Daughtry strip-searched § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that Lieutenant Rafferty and Officer Daughtry extended their hands into his pants and the pants of two other individuals during the stop. § 87(2)(b) did not repeat this allegation in any statements besides his CCRB interview. § 87(2)(b) who witnessed the search, did not see the officers put their hands in § 87(2)(b)'s pants or search anyone else. Officer Daughtry and Lieutenant Rafferty denied that they put their hands into the pants of § 87(2)(b) or anyone else. § 87(2)(g)

Allegation I: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Lieutenant John Rafferty used physical force against § 87(2)(b)

Allegation J: At the corner of Hull Street and Rockaway Avenue in Brooklyn, Officer Kaz Daughtry used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Lieutenant Rafferty and Officer Daughtry struck and kicked him numerous times. Lieutenant Rafferty and Officer Daughtry acknowledged striking § 87(2)(b) but said they did so because § 87(2)(b) struck Lieutenant Rafferty and attempted to flee. § 87(2)(b) denied resisting arrest. § 87(2)(b) stated that § 87(2)(b) attempted to flee, but did not resist arrest. § 87(2)(b) denied that § 87(2)(b) resisted arrest. Lieutenant Rafferty provided photos documenting injuries to his face and hands, documented going to the hospital, and

§ 87(2)(b) was charged with assault. § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. NYPD Patrol Guide Procedure 203-11 (encl. 1b-c) states that officers may use the minimum amount of force to effect an arrest. § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation K: At the 73rd Precinct stationhouse, Officer Kaz Daughtry strip-searched § 87(2)(b)
[REDACTED]

Allegation L: At the 73rd Precinct stationhouse, Officer Kaz Daughtry used physical force against § 87(2)(b)
[REDACTED]

[REDACTED] alleged that he was strip searched at the stationhouse by Officer Daughtry, who he said struck him a few times during the strip search. Officer Daughtry denied conducting a strip search. There are no other available statements about these allegations and the statements of Officer Daughtry and § 87(2)(b) are in conflict. § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Investigator:	Date:
Supervisor:	Date:
Reviewed by:	Date:
Reviewed by:	Date: